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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

A141834

v.

**(Del Norte County
Super. Ct. No. PRF14-0004)**

JOSEPH ROBERT DAWSON,

Defendant and Appellant.

_____ /

Following a contested parole revocation hearing, the trial court determined appellant Joseph Robert Dawson committed burglary (Pen. Code, § 459)¹ and was a felon in possession of a firearm (§ 29800). The court returned Dawson to the California Department of Corrections and Rehabilitation (CDCR) and the jurisdiction of the parole board. (§ 3000.08, subd. (h).)

Dawson appealed and his court-appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We have examined the record pursuant to *Wende* and find no reasonably arguable appellate issue. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In 2013, Dawson — who had been convicted of multiple felonies, including murder — was on parole. In 2014, the CDCR filed a petition to revoke Dawson’s parole,

¹ All further statutory references are to the Penal Code.

alleging Dawson committed second degree burglary (§ 459) and was a felon in possession of a firearm (§ 29800). (See §§ 1203.2, 3000.08.) At the parole revocation hearing, the parties offered the following evidence:

In March 2014, Dawson visited his distant cousin (cousin), who lived on the second floor of a building in an RV park. Cousin was leaving the area and offered to give Dawson furniture and other items. Cousin had a 12-gauge shotgun which was visible when Dawson visited him. Dawson saw everything in cousin's residence and, at one point, walked right by the shotgun. "There's no way" Dawson did not see the shotgun. Cousin did not intend to give Dawson the shotgun; cousin knew Dawson, a convicted felon, could not possess it. Dawson agreed to return a few days later to pick up the items cousin was giving him. Cousin did not give Dawson permission to enter the residence when cousin was not there.

The next day, cousin went to work and locked the front door. Later, Bradley Osburne, a maintenance worker, saw a black Ninja motorcycle parked "way down by the river[,] " which he thought was "odd" because the RV park was "empty" at that time of day. Osburne's partner wrote down the motorcycle's license plate number. Osburne saw a man wearing a ski mask walking quickly across the field by cousin's residence. As he walked, the man "wrap[ed] up" a shotgun or rifle in a red cloth. When Osburne asked the man why the door to cousin's residence was open, the man "took off" on his motorcycle. Osburne called the police, described the man and the motorcycle, and gave the police the motorcycle's license plate number.

Shortly thereafter, Del Norte County Deputy Sheriff Robert Clarkson received a report of a burglary at the RV park. About 20 minutes later, Clarkson saw a man — later identified as Dawson — driving a motorcycle matching the description Osburne provided. Clarkson confirmed the license plate number, stopped Dawson, and searched him. Clarkson found a rock, a green ski mask, and disposable latex gloves. Clarkson did not find a firearm. Cousin's co-worker told him his apartment had been "broken into." Cousin returned to his residence and saw his front door was open and an entry window had been smashed. The shotgun was missing.

Dawson testified he went to cousin's apartment and saw the open front door and broken window. He got on his motorcycle and left. Dawson explained why he had a rock with him when he went to cousin's house and why he wore a ski mask and gloves. He denied seeing the gun at cousin's residence and denied possessing a gun on the day of the incident. Defense witnesses said cousin "doesn't tell the truth" and testified about Dawson's reputation for honesty.

At the conclusion of the hearing, the court ordered Dawson to be returned to CDCR and the jurisdiction of the parole board for future parole consideration. (§ 3000.08, subd. (h).)

DISCUSSION

Dawson's court-appointed counsel presents no argument for reversal, but asks this court to conduct an independent review of the record pursuant to *Wende, supra*, 25 Cal.3d at pages 441-442. Counsel informed Dawson he had the right to file a supplemental brief on his own behalf but Dawson declined to do so.

We have conducted our independent review and find no arguable issues. Substantial evidence supports the court's findings that Dawson violated parole by committing the offenses alleged. Trial counsel adequately represented Dawson at every stage of the proceedings.

DISPOSITION

The judgment is affirmed.

Jones, P.J.

We concur:

Simons, J.

Needham, J.